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Before the
Federal Communications Commission
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

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) WT Docket No. 02-55
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In the Matter of

Improving Public Safety Communications in
the 800 MHz Band

**COMMENTS OF THE CITY OF BALTIMORE, MARYLAND
IN SUPPORT OF
PETITION OF THE COUNTY OF FAIRFAX, VIRGINIA,
FOR WAIVER OF THE PROGRAM COMPLETION DATE**

The City of Baltimore, Maryland ("Baltimore City"), by its attorneys, submits these comments in support of the Petition of the County of Fairfax, Virginia, for Waiver of the Commission's June 26, 2008, Program Completion Date for Rebanding the County's 800 MHz Channels ("Fairfax County Petition"). The Fairfax County Petition was filed in the above-referenced docket on May 24, 2007.

In its petition, Fairfax County seeks to establish July 29, 2010, as the completion date for reconfiguration of the channels that the County is licensed to operate in the 1-120 channel range and the NPSPAC portion of the 800 MHz band.¹ While Fairfax County petitions only on its own behalf, it further suggests that the Commission act on its own

¹ As Fairfax County made clear, July 29, 2010, is the date by which Fairfax County currently expects it can vacate its 800 MHz 1-120 band channels. Fairfax County cannot reband its 800 MHz channels in the NPSPAC band until the 1-120 band channels are vacated. However, the County cannot accurately determine now the dates by which it can vacate its 800 MHz 1-120 band channels. Therefore, the County stated that it will have to request a waiver again once the County has more definitive information.

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motion and grant a waiver on behalf of all National Capital Region ("NCR") jurisdictions.

*Furthermore, as the Fairfax County Petition explains, the requested July 29, 2010 date for the completion of rebanding activities is at this time only a tentative date based on presently available information and subject to further change. The NCR area-wide Preliminary Master Schedule provided with the Petition is high-level in nature and does not contain all of the detailed tasks required to safely and effectively reband the 800 MHz public safety radio systems in and around the NCR. A final Master Schedule cannot be developed until after execution of a Regional Planning and Coordination Agreement between the regional coordinator and Sprint Nextel, and then the execution of a contract between the regional coordinator and Motorola, Inc. As a result, the Preliminary Master Schedule is subject to change depending on how much time is consumed by the regional negotiations, when these contracts are finalized and executed, how and when Motorola can obtain scheduling information from the other NCR licensees, or other factors completely outside the control of Fairfax County and other NCR jurisdictions.*²

STATEMENT OF INTEREST AND POSITION

Baltimore City strongly supports the Fairfax County waiver request. Baltimore City operates large 800 MHz public safety trunked voice and data radio networks with more than 3,000 radio mobile units under call signs WQCB503, WQBC704, WPRY413,

² As Fairfax County noted, the Preliminary Master Schedule is based on the assumption that the contract between the regional coordinator and Motorola would be executed on April 16, 2007, but which had not been executed as of May 24 when Fairfax County filed its petition. Therefore, Fairfax County states that the dates set out in the NCR Preliminary Master Schedule already are at risk.

WQAA330 and WQCS503. These systems utilize 38 frequencies in the National Public Safety Planning Advisory Committee ("NPSPAC") portion of the 800 MHz band and are therefore, like Fairfax County, subject to the rebanding procedures specified by the Commission's Orders in this proceeding.

As described in the Fairfax County Petition, Baltimore City is a member of the Central Maryland Area Radio Committee ("CMARC"), which has worked closely with Fairfax County and other jurisdictions in the National Capital Region ("NCR") in a coordinated regional effort to achieve radio system interoperability in and between both regions.³ Over the past 20 years, as in the National Capital Region, CMARC licensees have built one of the most advanced interoperable public safety voice radio environments in the United States. That interoperability will be disrupted unless the rebanding of those systems is coordinated with due care and reasonable planning. From the beginning of the rebanding process, Baltimore City has been working diligently with other CMARC jurisdictions (and through CMARC with NCR jurisdictions) to develop comprehensive and realistic area-wide rebanding plans that will maintain -- and hopefully enhance -- present levels of area-wide interoperability. Any rebanding plan accepted by the City must maintain and not disrupt present interoperable capabilities that play a critical role in Baltimore City's day-to-day responsibilities to protect the public and to maintain the ability to respond to major incidents, disasters, terrorist attacks, and other large-scale emergency response situations.

³ See Fairfax County Petition, pp. 3-4. The other CMARC member jurisdictions in Maryland are Baltimore County, Anne Arundel County, Carroll County, Hartford County and Howard County.

At this time, pursuant to a Planning Funding Agreement, Baltimore City is engaged in the planning activities which are the prerequisite to the negotiation of a Relocation Funding Agreement. Baltimore City anticipates that all planning activities will be completed no later than December of 2007, after which it will proceed promptly with the negotiation of a mutually agreeable Frequency Relocation Agreement. Even without the critical need to coordinate rebanding activities with other CMARC and NCR jurisdictions, this leaves precious little time for the completion of rebanding by the present June 26, 2008 deadline.⁴ Taking key area-wide interoperability coordination needs into account, meeting the present June 26, 2008 rebanding deadline becomes a practical impossibility.

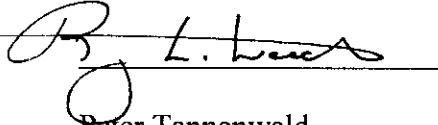
Similar to the NCR regional planning process described in Fairfax County's petition, CMARC jurisdictions also need to engage in regional-wide efforts to plan, coordinate and complete rebanding activities. Speaking for itself and not CMARC as a group or other CMARC jurisdictions, Baltimore City estimates that this process will take until at least July 29, 2010, if not longer, to complete.

For these reasons, just as Fairfax County has suggested that the Commission on its own motion extend the rebanding completion date for all NCR licensees, Baltimore City would suggest that the same relief be extended to similarly situated CMARC jurisdictions, including Baltimore City. It is essential that the reconfiguration process in the central Maryland area proceed along the same schedule in a coordinated fashion to

⁴ In this respect, it should be pointed out that the mandatory negotiating period for Wave 1/Phase 2 in which Baltimore City is situated ended on October 31, 2006. Thus, while the procedural timeline contemplated approximately 21 months following the end of negotiations to complete actual rebanding activities, the period that will be allowed for actual rebanding has already been compressed to, at best, less than six months by the sheer passage of time.

ensure the safety and security of the more than 2.5 million people living in the area served by the public safety agencies who are members of CMARC.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. L. Tannenwald", is written over a horizontal line.

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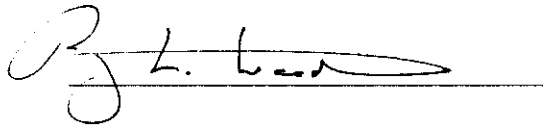
June 27, 2007

CERTIFICATE OF SERVICE

I do hereby certify that, on this 27th day of June, 2007, a true and correct copy of the foregoing Comments of the City of Baltimore, Maryland was served by first-class United States mail, postage prepaid, on the following persons:

David Furth
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A handwritten signature in dark ink, appearing to read "R. L. L...", is written over a horizontal line.

* By hand